

Law Offices

# HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.  
Suite 100  
Washington, D.C. 20006-6801

202-955-3000  
FAX 202-955-5564  
www.hklaw.com

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March 9, 2001

**DAVID A. O'CONNOR**  
(202) 828-1889

Internet Address:  
doconnor@hklaw.com

**VIA HAND DELIVERY**

Magalie Roman Salas, Esq.  
Federal Communications Commission  
445 12<sup>th</sup> St. S.W.  
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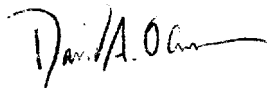
Re: ET Docket No. 00-258 /  
***Reply Comments of the Red Partnerships***

Dear Ms. Salas:

Transmitted herewith, on behalf of Red El Paso F Partnership, Red Memphis F Partnership, Red New York E Partnership, and Red Tucson E Partnership (collectively, the "Red Partnerships"), are courtesy copies of Reply Comments filed electronically today in connection with the above-captioned proceeding.

An extra copy of this letter is enclosed. Please date-stamp the extra copy and return it to the courier for return to me. If you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,



David A. O'Connor  
Counsel for the Red Partnerships

Enclosure

Handwritten: 04/1  
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**Federal Communications Commission**

**The FCC Acknowledges Receipt of Comments From ...  
Red Partnerships  
...and Thank You for Your Comments**

Your Confirmation Number is: '200139038025 ' 1

Date Received: Mar 9 2001

Docket: 00-258

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

|   |   |                      |
|---|---|----------------------|
| In the Matter of                                  | ) |                      |
|   | ) |                      |
| Amendment of Part 2 of the Commission's Rules to  | ) | ET Docket No. 00-258 |
| Allocate Spectrum Below 3 GHz for Mobile and      | ) |                      |
| Fixed Services to Support the Introduction of New | ) |                      |
| Advanced Wireless Services, including Third       | ) |                      |
| Generation Wireless Systems                       | ) |                      |
|   | ) |                      |
| Petition for Rulemaking of the Cellular           | ) | RM-9920              |
| Telecommunications Industry Association           | ) |                      |
| Concerning Implementation of WRC-2000: Review     | ) |                      |
| of Spectrum and Regulatory Requirements for       | ) |                      |
| IMT-2000  | ) |                      |
|   | ) |                      |
| Amendment of the U.S. Table of Frequency          | ) | RM-9911              |
| Allocations to Designate the 2500-2520/2670-      | ) |                      |
| 2690 MHz Frequency Bands for the Mobile-          | ) |                      |
| Satellite Service                                 | ) |                      |

To: The Commission

**REPLY COMMENTS OF RED EL PASO F PARTNERSHIP,**  
**RED MEMPHIS F PARTNERSHIP,**  
**RED NEW YORK E PARTNERSHIP, AND**  
**RED TUCSON E PARTNERSHIP**

Red El Paso F Partnership, Red Memphis F Partnership, Red New York E Partnership, and Red Tucson E Partnership (collectively, the "Red Partnerships"), by their attorneys, hereby reply to the comments filed in response to the Commission's Notice of Proposed Rulemaking ("Notice") concerning the allocation of additional spectrum for new advanced wireless systems.

The comments confirm that incumbent licensees in the 2.5 GHz band are providing tangible, useful services to communities nationwide *now*. These licensees provide critical educational services such as distance learning and, to an ever-increasing degree, they provide high-speed broadband access, in furtherance of

Congressional goals to provide advanced telecommunications capability to all Americans. The Commission should fully support the continued maturation of the services currently offered in the 2.5 GHz band and dismiss any suggestions that these services be relocated.

The comments also make clear that relocation of incumbent licensees from the 2.5 GHz would be costly and impractical, if not impossible. Indeed, not one commenter identified suitable spectrum for relocation purposes. The three most adamant supporters of relocation, Cingular, Verizon Wireless and AT&T Wireless, could offer nothing more than general support for relocation – none suggested any concrete proposal for relocating incumbent licensees. Several commenters alluded to the desirability of “global harmonization” as the ostensible basis for forced relocation of incumbent licensees. However, as the comments of the Radio Advisory Board of Canada make clear,<sup>1</sup> there is not now, nor will there be in the foreseeable future, a harmonized North American plan for the 2.5 GHz band, let alone a globally harmonized plan.<sup>2</sup> Thus the Commission should not be persuaded to disrupt current and valuable services in the 2.5 GHz band for the elusive goal of harmonization.

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<sup>1</sup> Radio Advisory Board of Canada Comments at 11.

<sup>2</sup> *See also* Nokia Comments at 6 (“global plans for use of the 2500-2690 MHz bands for IMT-2000 are not yet clear”); Motorola Comments at 12 (“Although 2500-2690 MHz was identified by WRC-2000 as a potential IMT-2000 band, no country has yet implemented any commercial mobile services in the band and, in Motorola’s opinion, it is unlikely that any country will deploy IMT-2000 services before 2007 at the earliest.”).

The only commenter that offered a specific relocation proposal suggested that ITFS/MDS licensees could be relocated to the 3.5 GHz band.<sup>3</sup> However, the 3.5 GHz band is currently allocated to the federal government on a primary basis for Radiolocation and Aeronautical Radionavigation, and to non-federal government Radiolocation uses on a secondary basis.<sup>4</sup> It is difficult to imagine a more impractical band for relocation purposes. The effect of the suggestion would be to cripple important and effective services and move them to unusable spectrum in which the licensees would be secondary to widespread military operations. More than anything, the suggestion highlights the difficulty in finding suitable relocation spectrum, simply because there is none. For this reason, the Red Partnerships oppose any relocation of 2.5 GHz incumbent licensees.

With respect to segmentation of the 2.5 GHz band, the Red Partnerships fully agree with the many commenters who argue that any segmentation plan would create massive interference issues, which would be exorbitantly expensive to resolve and would simply delay the rollout of fixed wireless broadband services.<sup>5</sup> Such a delay

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<sup>3</sup> Ericsson Comments at 16 n.33. Additionally, Cisco raised but quickly dismissed the suggestion of relocating some or all 2.5 GHz licensees to the 3.7 GHz band, *i.e.*, the C-band. Cisco Systems Comments at 13. As the Commission is well aware, the vast majority of fixed service operators have abandoned the C-band due to longstanding interference issues with fixed satellite operators who share the band on a co-primary basis. The Red Partnerships believe that any relocation to the 3.7 GHz band would effectively destroy all ITFS and MDS operations.

<sup>4</sup> See 47 C.F.R. § 2.106.

<sup>5</sup> See, *e.g.*, Cisco Systems Comments at 9; CelPlan Technologies Comments at 4-5; Clearwater Technologies at 9.

would undermine the Commission's Congressional mandate to encourage the deployment of advanced telecommunications capability to all Americans.

Finally, the Commission should deny the Satellite Industry Association's Petition for Reconsideration. In the Order accompanying the Notice,<sup>6</sup> the Commission provided a reasonable and fully justified explanation of its denial of the Association's Petition for Rulemaking. The Association has offered no new information that would justify a reversal of the Commission's earlier decision in this matter.

For the reasons set forth in the Comments of Red Partnerships, and as reiterated in these Reply Comments, the Commission should reject proposals to relocate incumbent ITFS/MDS licensees, or to segment any portion of the 2.5 GHz band.

Respectfully submitted,

RED PARTNERSHIPS



Alan Y. Naftalin  
David A. O'Connor  
HOLLAND & KNIGHT LLP  
2099 Pennsylvania Ave., N.W.  
Suite 100  
Washington, DC 20006  
(202) 955-3000

Their Attorneys

March 9, 2001

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<sup>6</sup> Amendment of the U.S. Table of Frequency Allocations to Designate the 2500-2520/2670-2690 MHz Frequency Bands for the Mobile Satellite Service, *Order*, RM-9920, FCC 00-455 (rel. Jan. 5, 2001).

## CERTIFICATE OF SERVICE

I, Myra Powe, an employee of Holland & Knight LLP, hereby certify that on March 9, 2001, I caused copies of the foregoing Comments to be hand-delivered to the following:

Chairman Michael K. Powell  
Commissioner Gloria Tristani  
Commissioner Susan Ness  
Commissioner Harold W. Furchtgott-Roth  
Roy J. Stewart, Chief, Mass Media Bureau  
Thomas Sugrue, Chief, Wireless Telecommunications Bureau  
Bruce Franca, Acting Chief, Office of Engineering and Technology

  
Myra Powe